

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

KEVIN SAMPSON,

\*

Plaintiff

\*

v.

\*

Civil Action No.: RDB-09-  
1871

WILLIAM C. HUNT,

\*

Defendant

\*

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**MEMORANDUM**

The above-captioned case was filed by Plaintiff pro se on July 15, 2009. Paper No. 1. Plaintiff has filed a Motion to Proceed In Forma Pauperis. Paper No. 3. Because he appears indigent, the Motion shall be granted.

Plaintiff complains that Defendant has raised his rent and has failed to repair and improve the rental property. He seeks damages. Paper No. 1. Plaintiff seeks to invoke this Court's jurisdiction under the Civil Rights Act, 42 U.S.C. 1983. His claim, nonetheless, must be dismissed. Essential to sustaining an action under § 1983 are the presence of two elements. Specifically, Plaintiff must demonstrate that: (1) he suffered a deprivation of "rights, privileges or immunities secured by the Constitution and laws" of the United States; and (2) the act or omission causing the deprivation was committed by a person acting under color of law. *West v. Atkins*, 487 U.S. 42, 48 (1988). Because there is no allegation that Defendant, a private citizen, was acting under color of law, the complaint shall be dismissed. *See Polk County v. Dodson*, 454 U.S. 312 (1981);

Plaintiff's complaint regarding disagreement over the amount of rent to be paid and the

state of repair of a rental property appear to arise under state law, not federal statute. In the absence of any federal claim, this Court would have jurisdiction only where there is diversity of citizenship between plaintiff and defendant. Because all of the parties reside in Maryland, there is no basis for diversity jurisdiction.

For the foregoing reasons, Plaintiff's case shall be dismissed. A separate order follows.

/s/  
RICHARD D. BENNETT  
UNITED STATES DISTRICT JUDGE